

**TO: LICENSING AND SAFETY COMMITTEE  
5 JULY 2012**

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**ANNUAL REPORT AND SERVICE PLAN  
Chief Officer: Environment and Public Protection**

**1 PURPOSE OF REPORT**

- 1.1 This report covers the activities carried out by the Licensing Section during the period 1 April 2011 to 31 March 2012. It is brought to the Committee to consider and comment upon the work completed.
- 1.2. In addition the report also includes the proposed work plan for the period 2012/13. The Committee is also asked to consider and comment upon this document.

**2 RECOMMENDATIONS**

**2.1 That the Committee:**

- i) receives and comments upon the work completed in 2011/12 and detailed within this report; and**
- ii) subject to any comments, approves the work plan for 2012/13 at Annex B.**

**3 REASONS FOR RECOMMENDATION**

- 3.1 The Committee agreed a work plan for 2011/12 at its meeting on 7 July 2011. This report details some of the main achievements of the service during 2011/12 and requests that members comment upon and approve a plan for 2012/13.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 The Committee has requested that officers report on progress through an Annual report and bring forward a plan for the coming year.

**5 SUPPORTING INFORMATION**

- 5.1 Attached as Annex A is a list of those licences, registrations, permits and consents that are current as of 1 April 2012 or were issued within the last year. This is a single indicator of the number of transactions that the Licensing Service has with businesses operating within the Borough. Legislation requiring a licence/permit for a business activity is generally enacted on health and safety grounds to protect users of a service or those that might be affected due to their proximity to the licensed premises or their interaction with a licensed person.
- 5.2 The Licensing Service considers and issues a range of licences and permits required by businesses in order that they can deliver a range of services and goods to residents and visitors to Bracknell Forest. The service is aware that the licensing function, whilst offering protection, can also act as a barrier to others who wish to deliver services or supply goods and every effort is made to assist businesses to understand and progress rapidly through the licensing process. The service therefore has a number of functions including business advice, processing of applications, monitoring compliance and where necessary taking enforcement action.

- 5.3 A number of the licences require the submission of documents which have to be validated by the Licensing Service. These include such items as vehicle insurance, MOT certification, public liability insurance, criminal record disclosures, professional training records and health and safety risk assessments. These checks are essential to ensure the continued confidence of the Council, and ultimately the user, in the safety of the service or goods being supplied. The service sets itself a target to issue licences within either 2 or 3 working days of receipt of a complete and valid application on 95% of occasions. It is pleasing to report that the service achieved this on 96% of occasions in 2011/2012.
- 5.4 A further aspect is that of assisting businesses to comply with the legal requirements and conditions. The service provides an extensive range of advice and information sheets via the internet or through the Customer Service Centre. Additionally officers regularly meet with applicants or licence holders to give guidance, such as attendance at Pubwatch meetings run by the trade, meeting with new Designated Premises Supervisors for premises licensed for the sale of alcohol, private hire operators at their base and taxi drivers at the ranks. Newsletters for the alcohol/entertainment and taxi trades to give an update on legislative changes and procedures are issued each year.
- 5.5 Officers have a risk based assessment programme to visit licensed premises and vehicles to check compliance and provide business with assistance in compliance. In 2011/12 officers carried out 176 inspections programmed for that period. Additionally officers carried out 105 non-programmed inspections, particularly in the evenings and weekends, to check compliance during busy periods. The premises targeted were those where officers had received intelligence from local residents, or other agencies such as Thames Valley Police or Berkshire Fire Authority that indicate that compliance may not be being achieved. Officers initially deal with non-compliance by working with the business to raise standards. Further unannounced visits were made to verify improvement. Where non-compliance was found officers used an enforcement policy which provides for a stepped process to include warnings, cautions, review, suspension or revocation of the licence and finally prosecution.
- 5.6 In the last year officers issued 14 warnings to licence holders and 391 enforcement points to 52 taxi drivers. 7 of those drivers have gone before the panel for receiving 12 or more points within a 12 month period, with one particular driver going before the panel on 3 separate occasions due to continued breaches. A further four licensing panels were held in respect of an appeal against suspension or revocation of taxi driver and vehicle licences.

Overall:

- 11 drivers were issued points for defective tyres,
- 3 for other construction and use regulation failures,
- 3 for using a mobile phone whilst driving,
- 3 for smoking in their vehicle,
- 9 for failure to display plate/badge,
- 4 for failure to comply with a traffic sign,
- 3 for driving without the appropriate licences,
- 1 for behaving in a disorderly manner,
- 1 for failure to report an accident,
- 3 for parking on a rank,
- 1 for driving without due care,
- 1 for carrying a child passenger not in an appropriate child restraint,
- 20 for failure to notify officers of relevant convictions during their licensed period.

5.7 Other areas of work that were completed in 2011/12 include:

- i) A new text message (SMS) alert service has been implemented to remind taxi licence holders when documents such as insurance or inspections have expired, with the aim of making communication quicker, more efficient and saving paper and postage costs
- ii) The Council is now working with 'Am I Safe', a web-based application available to users of smartphones which allows passengers to check the licence details of hackney carriages or private hire vehicles licensed in the Borough. The service also creates a geographic 'footprint' of the check and notifies family or friends of the passenger's location at the time.
- ii) The adoption of a new set of licence conditions for animal boarding establishments with a view to ensuring appropriate standards of health, safety and welfare in such establishments.
- iii) The designation of all streets within the Borough as consent streets for the purposes of street trading to ensure that street trading is only carried out in appropriate locations.
- v) A guideline figure of not less than 80% of the proceeds from a house to house collection to be applied directly for charitable purposes has been implemented to ensure a reasonable proportion of the proceeds are going to the nominated charity.

5.8 The Licensing Service cannot work effectively in isolation. There are a range of services and agencies whose work impacts upon licensed people and premises. The Licensing Service therefore is actively involved in partnership working where it delivers real benefits for an effective licensing service. The main partners are Thames Valley Police, Royal Berkshire Fire Authority, VOSA, other local authorities and internal services such as Environmental Health, Trading Standards and Planning. Examples of successful joint working include:

- i) **Safety Advisory Group** – Licensing provide the leadership for this group which includes Thames Valley Police, Royal Berkshire Fire Authority, South Central Ambulance Service, Highways and Environmental Health. This group provides guidance and assistance to people and organisations that are looking to deliver both large and small public events within the Borough. The assistance of the group assists the smooth running of the event and reduces health and safety risks. In 2011/12 the group (SAG) assisted with over 70 events including the Crowthorne May Fair, Sandhurst Donkey Derby and a number of street parties to celebrate the Royal Wedding.
- (ii) **Taxi checks** - working with Thames Valley Police and VOSA, licensing officers have participated in checks upon vehicles being used for hire and reward across the Borough. In 12 operations where 225 vehicles were checked, 23 vehicles were found to have contraventions, from breaches of licence conditions to non-compliance with construction and use legislation. In 3 cases vehicles were immediately prohibited from being driven VOSA.
- (iii) **Licensed Premises Group** - working with Thames Valley Police, Environmental Health and Trading Standards, officers have worked together to ensure a joint and consistent approach to issues concerning licensed premises such as noise nuisance and underage sales.

- (iv) **Berkshire Licensing Liaison Group** - this is a forum for licensing authorities in Berkshire, Thames Valley Police and other enforcement authorities such as the Security Industry Authority and the Gambling Commission. The aim of the group is to exchange information, share best practice and encourage consistency across the board.

5.9 Attached as Annex B is the draft work plan 2012- 2013. This follows the format from previous years.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

6.1 The legal implications are identified within the report.

### Borough Treasurer

6.2 There are no significant financial implications arising from the recommendation in this report.

### Equalities Impact Assessment

6.3 There are no implications arising from the recommendation in this report.

### Strategic Risk Management Issues

6.4 There are no strategic risk management implications arising from the recommendation in this report.

## **7 CONSULTATION**

### Principal Groups Consulted

7.1 The key partners have been consulted upon the outcomes of work conducted in 2011/2012. Where there is positive feedback and a continued perceived need then similar work will be programmed for 2012/2013. All feedback is taken into account and helps inform the plan's future development.

### Method of Consultation

7.2 The work plan will be discussed with key partners during the year and adjustments made where necessary.

### Representations Received

7.3 None.

### Background Papers

None.

### Contact for further information

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